

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

DR. JAMES BENNETT,

Plaintiff,

v.

2004-CV-0031

**VIRGIN ISLANDS GOVERNMENT
through VIRGIN ISLANDS BOARD OF
OPTOMETRIC EXAMINERS, DR. PETER
KUMPITCH, and DR. CRAIG
FRIEDENBERG,**

Defendants.

**TO: Lee J. Rohn, Esq.
Melvin H. Evans, Jr., Esq., AAG
William J. Glore, Esq.**

ORDER

THIS MATTER came before the Court for show cause hearing and hearing upon Plaintiff's Motion For Sanctions Against Defendant Virgin Islands Government Through Virgin Islands Board of Optometric Examiners (Docket No. 89) and Motion For Sanctions Against Defendant's Dr. Peter Kumpitch, [sic] and Dr. Craig Friedenbergl (Docket No. 90) on September 18, 2007. Lee J. Rohn, Esq., represented Plaintiff. Melvin H. Evans, Jr., Esq., appeared on behalf of Defendant Virgin Islands Government. Neither William J. Glore,

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Esq., nor his client, Defendant Dr. Peter Kumpitch, were present. Defendant Dr. Craig Friedenberberg also was absent.

Plaintiff alleges that all Defendants have completely failed to comply with the Court's Orders entered February 6 and 7, 2007 (Docket No. 76 and 77), ordering Defendants to respond to Plaintiff's discovery requests. Defendant Government of the Virgin Islands attempted to excuse its failure by explaining it has been negotiating settlement with Plaintiff.

Having heard counsels' arguments and upon due consideration thereof, the Court finds that sanctions are warranted against Defendant Government of the Virgin Islands. The Court will order Defendants Kumpitch and Friedenberberg and William J. Glore, Esq., to show cause why they should not be held in contempt of court for their failure to appear at said hearing.

Accordingly, it is now hereby **ORDERED**:

1. Plaintiff's Motion For Sanctions Against Defendant Virgin Islands Government Through Virgin Islands Board of Optometric Examiners (Docket No. 89) is **GRANTED**.
2. Within ten (10) days from the date of entry of this order, Defendant Virgin Islands Government shall serve upon counsel for Plaintiff responses to

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Plaintiff's Interrogatories and Demand For Production of Documents dated June 19, 2006, as previously ordered.

3. Within ten (10) days from the date of entry of this order, Defendant Virgin Islands Government shall pay to counsel for Plaintiff the sum of three hundred dollars (\$300.00) and file notice thereof with the Court.
4. Defendant Dr. Peter Kumpitch and William J. Glore, Esq., shall show cause, at a hearing scheduled for **October 22, 2007, at 10:00 a.m.**, why they should not be held in contempt of court for their failure to appear at the hearing held September 18, 2007, as scheduled by Order entered August 8, 2007 (Docket No. 106).
5. Defendant Dr. Craig Friedenberg shall show cause, at a hearing scheduled for **October 22, 2007, at 10:00 a.m.**, why he should not be held in contempt for his failure to appear at the status conference held in this matter on July 3, 2007, for his failure to appear at the hearing held September 18, 2007, as scheduled by Order entered August 8, 2007 (Docket No. 106), and for his failure to retain new counsel.

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ENTER:

Dated: September 19, 2007

_____/s/
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE